

dollar could be paid by collectors to the treasurers of the cities or town school fund and their dividends from the State apportionment could only be paid from the State treasury, which would contain only such school funds as accrue from interest on land sales, bonds, loans, etc., held in trust by the State, and the receipts from these sources are derivable in the school year, twelve months or more after the apportionment is required by law to be made.

This discrimination would not only be unjust, but would destroy in a large measure the efficiency of a good part of our school system, embracing the schools of the cities and towns that have assumed control of the schools in which about twenty per cent. of all the children are taught.

If it should be contended that the pro rata of the funds belonging to these cities and towns could under the proposed law, by implication, be paid over by the county treasurer to the city treasurer, then the objection is urged, that the county and city treasurers would each thereby become entitled to demand and receive their lawful fees for paying out the school fund, which would double the fees now paid, and deplete the fund to that extent, and should the bill become a law the assessors, when they shall have completed their rolls, instead of receiving a draft as now provided, to be paid out of the first moneys collected on their rolls, would be entitled to receive from the Comptroller a warrant which would have to be cashed by the Treasurer, thus paying for the assessment twice out of the current resources derived from the present ten cent levy.

L. S. Ross,
Governor.

On motion of Senator Burges,
The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, March 15, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Armistead:

Petition of citizens of Cass county, praying for maximum rates of freight.

Referred to Committee on Internal Improvements.

By Senator Ingram:

Petition of citizens of Rusk county, asking passage of law fixing maximum rates at twenty-five cents on freights on railroads.

Referred to Committee on Internal Improvements.

By Senator Seale:

Petition of Enon Farmers' Alliance of Tyler county, asking for regulation of railroads by adopting maximum freight rates.

Referred to Committee on Internal Improvements.

By Senator Frank:

Petition of forty-three citizens of Palo Pinto county, asking relief against excessive freight charges.

Referred to Committee on Internal Improvements.

By Senator Lane:

Petition of citizens of Black Jack Springs, asking relief from excessive freight charges.

Referred to Committee on Internal Improvements.

By Senator Burney:

Memorial from officers and citizens of Menard county, protesting against the passage of House bill No. 63, so far as it affects Menard county.

Referred to Judiciary Committee No. 2.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 16, being "An act amending article 10, section 2 of the Constitution of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 58, being "An act to amend sections 1 and 2 of an act entitled an act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas revolution and the indigent signers of the declaration of independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteenth Legislature,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Lane:

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 356, entitled "An act requiring each county clerk in the State of Texas to keep a record of the death of all persons dying in the county, and requiring physicians, justices of the peace and coroners to make a report of all deaths within their knowledge to the county clerks, and providing fees for the same,"

Have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Acting Chairman.

Bill read first time.

By Senator Allen:

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Federal Relations, to whom was referred

House bill No. 591, entitled "An act to vest in the United States of America exclusive jurisdiction over the site and grounds for a public building in the town of Texarkana, Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ALLEN,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 516, entitled "An act to amend an act entitled an act to provide for the separation or partition of adjoining fences and to provide a penalty for the violation of the provisions of this act, passed by the Twentieth Legislature of the State of Texas, approved March 17, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment, to-wit:

Amend section 3 of the bill by adding thereto the following: "Provided that hereafter any person who shall join his fence to a fence on land in the possession of another without his consent, shall be required to remove the same after ten days' written notice, and on failure to remove the same after such notice is complete, shall be guilty of a misdemeanor, and punished as provided in section 2 of this act."

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time with committee amendment.

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 63, entitled "An act to confer concurrent original jurisdiction in misdemeanor cases of which county and justices' courts have jur-

isdiction, on the district courts of Blanco, Gillespie, Kimble, Llano and Menard counties."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Claiborne:

Joint resolution.

Be it resolved, That the Twenty-first Legislature do adjourn sine die on Monday, the twenty-fifth day of March, A. D. 1889.

Ordered to lie over under the rules.

By Senator Finley:

Joint resolution, directing the Commissioner of the General Land Office to move his office and the books, records and papers belonging thereto into the new Capitol Building, and to have committees of the Senate and of the House appointed to select rooms into which such office, records and papers shall be moved.

Referred to Committee on General Land Office.

By Senator Harrison:

A bill to be entitled "An act to amend article 2231 of the Revised Statutes, more fully defining the return of depositions to the court."

Referred to Judiciary Committee No. 1.

The President appointed Senator Finley chairman of Committee on Privileges and Elections.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES.

AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bills:

Senate bill No. 62, entitled "An act to amend section 1, 5 and 15 of an act entitled an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof, approved March 30, 1887," with an amendment and under a suspension of the constitutional rule, and by two-

thirds vote, there being—yeas, 84; nays, none

Senate bill No. 167, 'entitled' "An act to provide for the ascertainment, distribution and sale of the excesses in surveys of land made for the school fund, and to validate surveys of land as herein provided," with an amendment and under suspension of the constitutional rule and by a two-thirds vote—yeas, 80; nays, 2.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES.

AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that

Messrs. Hathaway, Cochran, Moody, Dunlap and Campbell of Cooke have been appointed on the part of the House on the joint committee to prepare and submit a bill upon needed road legislation.

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senate joint resolution No. 16, "joint resolution amending article 10, section 2 of the Constitution of the State of Texas,"

Was laid before the Senate on its third reading.

Senator Abercrombie moved to

Amend by inserting after the word "amendment," in fifth line from bottom, section 2, the words "to article 10, section 2 of the Constitution."

Adopted by the following vote:

YEAS—23.

Abercrombie	Harrison,
Allen,	Ingram,
Armistead,	Jarvis,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	Maetze,
Cranford,	Seale,
Davis,	Simkins,
Field,	Townsend,
Finley,	Tyler,
Frank,	Woodward.
Glasscock,	

NAYS—1.

Johnson.

ABSENT—3.

McDonald;
Pope,

Upshaw.

On motion of Senator Tyler,

The resolution as amended was laid on the table subject to call.

Substitute Senate bill No. 58, a bill to be entitled "An act to provide annual pensions for the surviving indigent volunteers of the Texas revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteenth Legislature,"

Was laid before the Senate on its third reading.

The bill was read the third time and passed by the following vote:

YEAS—22.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Jarvis,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	McDonald,
Cranford,	Seale,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

NAYS—2.

Davis,	Johnson.
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ABSENT—2.

Pope,	Simkins.
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House bill No. 342, a bill to be entitled "An act to restore the jurisdiction of the county courts of the counties of Greer, Henderson and Donley, and to repeal all laws in conflict therewith,"

Was laid before the Senate on its third reading.

The bill was read the third time and

Passed by the following vote:

YEAS—23.

Abercrombie,	Ingram,
Allen,	Jarvis,
Armistead,	Johnson,
Burney,	Kimbrough,
Claiborne,	Lane,
Cranford,	McDonald,
Davis,	Seale,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—3.

Burges,	Simkins.
Pope,	

Senate bill No. 355, a bill to be entitled "An act to amend section 25 of an act entitled an act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature, and approved March 13, 1889,"

Was laid before the Senate on its second reading.

Senator Kimbrough offered the following amendment:

Section 2. The near approach of the close of the session and the fact that it is desirable that this act go into effect as soon as possible, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act take effect from and after its passage.

Adopted.

The bill as amended was ordered engrossed.

Senator Kimbrough moved to suspend the constitutional rule to put the bill on its third reading and final passage.

Senator Kimbrough moved a call of the Senate.

Call sustained.

Absent without leave:

Senators Pope and Simkins.

The Sergeant-at-Arms was dispatched to bring in the absent Senators, and

The pending business went to the table.

On motion of Senator Johnson,

Senate bill No. 346, a bill to be entitled "An act to define the Fourth Judicial district of the State of Texas, to prescribe the times for holding the terms of the district courts therein, to provide for the appointment and election of the district judges and district attorneys in said district, and to repeal all laws and parts of laws in conflict therewith,"

Was taken up out of its regular order.

The bill was read the second time and ordered engrossed.

On motion of Senator Johnson,

Senate bill No. 347, a bill to be entitled "An act to create the Forty-eighth judicial district of the State of Texas, to fix the time for holding court therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith,"

Was taken up out of its regular order.

The bill was read the second time and ordered engrossed.

On motion of Senator Johnson,

Senate bill No. 348, a bill to be entitled "An act to prescribe the times for holding the terms of the district court in the Seventh judicial district, and to repeal all laws and parts of laws in conflict therewith,"

Was laid before the Senate on its second reading.

The bill was read the second time and ordered engrossed.

On motion of Senator Abercrombie, the regular order of business was suspended to take up

House bill No. 82, entitled "An act to prescribe the time of holding the terms of the district court in the Eleventh judicial district."

The bill was laid before the Senate on its second reading.

The bill was read the second time and passed to its third reading.

On motion of Senator Armistead, the regular order of business was suspended to take up

Senate bill No. 214, a bill to be entitled "An act to provide for the issuance of bonds of this State to supply deficiencies in the revenue, and to prescribe the manner of sale of said bonds to the Board of Education for the permanent University fund."

The bill was read the second time and ordered engrossed.

On motion of Senator Finley, the regular order of business was suspended to take up

Senate bill No. 338, a bill to be entitled "An act to amend section 5 of an act entitled an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, approved April 2, 1887,"

By the following vote:

YEAS—23.

Abercrombie,	Ingram,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Lane,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Townsend,
Field,	Tyler,
Frank,	Upshaw,
Finley,	Woodward.
Glasscock,	

NAYS—1.

Jarvis.

ABSENT—2.

Harrison,

Pope.

The bill was laid before the Senate, read the second time and ordered engrossed.

On motion of Senator Finley,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Jarvis,
Armistead,	Johnson,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	McDonald,
Cranford,	Seale,
Davis,	Simkins,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—1.

Pope.

The bill was read the third time and passed.

Senator Simkins was announced at the door.

Senate bill No. 355, a bill to be entitled "An act to amend section 25 of an act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature and approved March 13, 1889."

Was again submitted to the Senate.

Senator Kimbrough's motion to suspend the constitutional rule to put the bill on its third reading and final passage was adopted by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Jarvis,
Armistead,	Johnson,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	McDonald,
Cranford,	Seale,
Davis,	Simkins,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—none.

ABSENT—1.

Pope.

The bill was read the third time and
Passed by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Jarvis,
Armistead,	Johnson,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	McDonald,
Cranford,	Seale,
Davis,	Simkins,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—1.

Pope,

On motion of Senator Jarvis,
Further consideration of the appro-
priation bill was postponed until 2:30
p. m.

On motion of Senator Davis,
The call of the Senate was suspend-
ed.

On motion of Senator Woodward,
Senate bill No. 800, a bill to be en-
titled "An act to amend article 4463 of
chapter 1, title 88 of the Revised Civil
Statutes,"

Was taken up out of its regular or-
der by the following vote:

YEAS—20.

Abercrombie,	Ingram,
Armistead,	Johnson,
Burges,	Kimbrough,
Burney,	Lane,
Cranford,	McDonald,
Davis,	Seale,
Field,	Simkins,
Finley,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—5.

Allen,	Jarvis,
Claiborne,	Townsend.
Frank,	

ABSENT—1.

Pope.

Senator Lane offered the following
amendment:

"The provisions of this bill shall also
apply to the assistant superintendents
and assistant physicians, whose sala-
ries shall be increased each four hun-
dred dollars."

Senator Armistead offered the fol-
lowing substitute for the amendment:

"Provided, the assistant superin-
tendents shall be furnished quarters
in the respective asylums, and shall
be boarded at the expense of the
State."

Senator Lane withdrew his amend-
ment:

Senator Claiborne offered the follow-
ing amendment to Senator Armistead's
amendment:

Amend the amendment of the Sen-
ator from Marion; the words "who
shall eat the same quality of grub
that is given the inmates."

Senator Armistead offered the fol-
lowing substitute for the amendment
and the amendment to the amend-
ment.

Amend by adding to said article the
following:

"Provided, further, that the assist-
ant superintendents or physicians, and
their families, shall be furnished with
suitable quarters in the respective
asylums, and shall be furnished board
at the expense of the State."

Senator Jarvis offered the following
amendment to the substitute:

Amend substitute by adding "but
not their families."

Lost.

Senator Armistead offered the fol-
lowing amendment to the substitute:

"And provided, further, that the
provisions of this act shall not apply
to the physicians of the Blind and
Deaf and Dumb asylums, and the
Deaf and Dumb and Blind Asylum
for Colored Youths."

Adopted.

The substitute, as amended, was
adopted for the amendment and the
amendment to the amendment, and as
a part of the bill.

The bill, as amended, was ordered
engrossed.

On motion of Senator Field, the
regular order of business was sus-
pended to take up

Substitute House bill No. 298, a bill
to be entitled "An act to encourage
irrigation and to provide for the con-
struction and maintenance of canals,
ditches, flumes, reservoirs and wells
for irrigation and for mining, milling
and stockraising."

The bill was laid before the Senate
and read the second time with com-
mittee amendments.

On motion of Senator Field,

The first committee amendment was rejected.

The second, third, fourth, fifth and sixth committee amendments were adopted.

Senator Field moved to

Amend section 11 by striking out the word "or," in line 25, and adding thereafter the following: "Any such corporation may also obtain the right of way over private territory."

Adopted.

Senator Field moved to

Amend section 15, line 20, of last page, by striking out the words "or mortgaged."

Adopted.

Senator Seale moved to

Amend section 13 by striking out all after the word "shall" and insert instead, "not affect or impair the usefulness or condition of said road or highway" in line 9.

Adopted.

The bill as amended passed to its third reading.

(Senator Armistead in the chair.)

On motion of Senator Frank,

Senate bill No. 206, a bill to be entitled "An act to protect the buffalo, deer and antelope in this State from wanton destruction,"

Was laid before the Senate on its second reading.

The bill was read the second time and ordered engrossed.

(The President in the chair.)

On motion of Senator Simkins,

The regular order of business was suspended to take up out of its regular order,

House bill No. 463, a bill to be entitled "An act to amend an act, entitled an act to amend section 13 of an act entitled an act to amend section 13 of an act to redistrict the State into judicial districts and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885,"

The bill was read the second time and passed to its third reading.

On motion of Senator Tyler,

Senate bill No. 248, a bill to be entitled "An act to provide for appeals in certain cases from the action of the commissioners' court sitting as a board of equalization,"

Was taken up out of its regular order and laid before the Senate on its second reading.

The bill was read the second time and ordered engrossed.

On motion of Senator Glasscock, Senate bill No. 325, a bill to be entitled "An act for the relief of John Ezelle,"

Was laid before the Senate on its second reading.

The bill was laid before the Senate and read the second time.

Senator Townsend offered the following amendment:

"That, whereas, the Hon. John M. Claiborne, by the hand of kind providence or some other gentleman to deponent unknown, lost his orange grove by frost the eighth of January, 1886, valued at sixty thousand dollars and so much be appropriated to repay him."

Adopted.

Senator Johnson offered the following amendment:

Whereas, certain persons in Texas did in the spring of 1888 plant cotton and corn, and

Whereas there came certain unprecedented rains which caused said cotton and corn to be replanted, thereby entailing great loss upon the people of Texas.

Therefore, be it enacted, that the sum of one-half million dollars be appropriated to make good said losses.

Adopted.

On motion of Senator Harrison, the bill and amendments were tabled.

On motion of Senator Ingram,

Senate bill No. 188, a bill to be entitled "An act to provide for the payment of the bonds of the State, issued under an act of the Legislature, approved August 5, 1870,"

Was laid before the Senate and read the second time with a committee substitute.

The substitute was adopted for the original bill and ordered engrossed.

Senator Burges withdrew his motion to reconsider the vote by which the Senate passed to its third reading

House bill No. 194, a bill to be entitled "An act to amend sections 5 and 6 of chapter 131, of an act to provide for the appointment of receivers and to define their powers and duties, and to regulate proceedings under such appointment of receivers as passed by the Twentieth Legislature, and approved April 2, 1887,"

The bill was laid before the Senate and read the third time, and passed.

Senator Tyler offered the following resolution:

Resolved, That a committee of three from the Senate be appointed to act with a like committee from the House of Representatives to consider and re-

port to each house what amendments, if any, are necessary to the general incorporation laws of the State, and that the House be notified of this action and be requested to appoint a committee to act with the Senate committee herein provided for.

Adopted.

Senator Seale moved to adjourn till 2:30 p. m.

Lost by the following vote:

YEAS—9.

Abercrombie,	Lane,
Allen,	Seale,
Burges,	Townsend,
Burney,	Woodward
Davis,	

NAYS—14.

Armistead,	Ingram,
Claiborne,	Jarvis,
Cranford,	Johnson,
Field,	Kimbrough,
Frank,	Simkins,
Glasscock,	Tyler,
Harrison,	Upshaw.

ABSENT—3.

Finley,	Pope.
McDonald,	

On motion of Senator Armistead, House bill No. 364, a bill to be entitled "An act to amend chapter 8, title 84, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4205a," was laid before the Senate on its second reading.

The bill was read a second time and passed to its third reading.

Senator Lane moved to suspend the regular order of business to take up Senate bill No. 101, a bill to be entitled "An act to facilitate the giving of bonds required by law."

Adopted.

On motion of Senator Burney, The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion of Senator McDonald, Senate bill No. 13, a bill entitled "An act to amend chapter 4, title KCV of the Revised Civil Statutes of

the State of Texas, by adding thereto article 4761a,"

Which was returned to the Senate by the Governor, was referred again to Judiciary Committee No. 1 with the Governor's message.

By leave, Senator McDonald sent up, by request,

A bill to be entitled "An act to amend an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations.

Referred to Judiciary Committee No. 1.

Senate bill No. 123, the general appropriation bill, was submitted to the Senate as unfinished business.

Senator Cranford moved to

Amend by adding in its appropriate place the following: "For pension of Mrs. Lavina King, surviving widow of John N. King, deceased, a soldier of the Texas revolution, said pension to run from January 1, 1888, to January 1, 1889, three years, at one one hundred and fifty dollars per year, four hundred and fifty dollars."

Senator Townsend offered the following amendment to the amendment:

Amend so that the party only draw pension from the passage of this act at one hundred and fifty dollars per annum.

Adopted by the following vote:

YEAS—16.

Abercrombie,	Finley,
Allen,	Frank,
Armistead,	Harrison,
Burges,	Ingram,
Burney,	Jarvis,
Claiborne,	McDonald,
Davis,	Townsend,
Field,	Upshaw.

NAYS—7.

Cranford,	Lane,
Glasscock,	Seale,
Johnson,	Tyler.
Kimbrough,	

ABSENT—2.

Pope,	Woodward.
Simkins,	

Senator Armistead moved to reconsider the vote just taken.

Senator Burney moved to table the motion to reconsider.

Adopted.

Senator Cranford's amendment as amended was lost.

Senator Davis moved to

Amend by adding to the miscellaneous department the following:

For relief of J. M. Tacker, witness fees, criminal cases, . . .	\$7 98
For relief of Joel Tatum, witness fees, criminal cases, . . .	4 80
For relief of Benton Yankee, witness fees, criminal cases, . . .	7 70
For relief of T. C. Blackburn, witness fees, criminal cases, . . .	4 80
For relief of W. G. Blain, witness fees, criminal cases, . . .	4 80
For relief of Hal Murray, witness fees, criminal cases, . . .	6 80
For relief of Jack Hays, witness fees, criminal cases, . . .	6 50
For relief of R. N. Harrison, witness fees, criminal cases, . . .	3 32
For relief of Geo. J. Darl, witness fees, criminal cases, . . .	6 32
For relief of Andy Davis, witness fees, criminal cases, . . .	6 50
For relief of A. E. Bernard, witness fees, criminal cases, . . .	7 80

Total, \$67 32

Senator Burney moved the previous question on the amendment,
Seconded.

The main question was ordered.

Senator Davis' amendment was adopted.

Senator Upshaw moved to

Amend at the end of page 18 of the appropriation bill by adding "the sum of two hundred and fifty dollars to pay expenses of Huling Robertson from Austin, Texas, to Washington, D. C., for an extra trip to convey the electoral vote for President and Vice-President to Washington, D. C., for the year 1888."

Senator Allen offered the following amendment to the amendment:

"Or so much thereof as is equal to his actual expenses."

Accepted.

Senator Upshaw's amendment as amended was adopted by the following vote:

YEAS—16.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Burges,	Lane,
Cranford,	Seale,
Davis,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—6.

Burney,
Claiborne,
Field,

Finley,
Frank,
Glasscock.

ABSENT—4.

Armistead.
McDonald,

Pope,
Simkins.

Senator Jarvis moved to
"Amend by striking out the sums of eighty-five thousand dollars and seventy-five thousand dollars in lines 3 and 4, on page 17, under the head of assessors' fees."

Adopted.

Senator Kimbrough called up Senator Frank's motion to reconsider the vote by which the Senate rejected his amendment to change clerk's salary from twelve hundred dollars to fifteen hundred dollars in the Agricultural Department.

The vote was reconsidered, and Senator Kimbrough's amendment was lost again by the following vote:

YEAS—11.

Armistead,
Cranford,
Field,
Glasscock,
Harrison,
Johnson,

Kimbrough,
Lane,
Tyler,
Upshaw.
Woodward.

NAYS—12.

Abercrombie,
Allen,
Burges,
Burney,
Claiborne,
Davis,

Finley.
Frank,
Ingram,
Jarvis,
Seale,
Townsend.

ABSENT—3.

McDonald,
Pope,

Simkins.

Senator Lane moved to
Amend, under the head of State Penitentiaries, by striking out all after the word "labor," in line 1, down to and including line 4.

Lost by the following vote:

YEAS—4.

Claiborne,
Cranford,

Lane,
Townsend.

NAYS—19.

Abercrombie,
Allen,

Armistead,
Burges.

Davis,	Johnson,
Field,	Kimbrough,
Finley,	McDonald,
Frank,	Seale,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

ABSENT—3.

Burney,	Simkins.
Pope,	

(Senator Davis in the chair.)

Senator Jarvis moved to

Amend the State printing by striking out "forty thousand" and insert "thirty thousand."

Adopted.

Senator Allen offered the following amendment:

STATE PENITENTIARIES.

Line 7, page 17, instead of "five hundred dollars" write "one thousand dollars."

Lost by the following vote:

YEAS—6.

Allen,	Kimbrough,
Armistead,	Townsend,
Harrison,	Upshaw.

NAYS—17.

Abercrombie,	Ingram,
Burges,	Jarvis,
Claiborne,	Johnson,
Cranford,	Lane.
Davis,	McDonald,
Field,	Seale,
Finley,	Tyler,
Frank,	Woodward.
Glasscock,	

ABSENT—3.

Burney,	Simkins.
Pope,	

By leave the following amendments were sent up to the Secretary's desk:

By Senator Armistead:

Amend lines 18 and 19, page 13, by striking out "three hundred and sixty dollars and two hundred and forty dollars in each line, and insert in lieu thereof four hundred and eighty dollars and three hundred and sixty dollars, in both lines respectively."

By Senator Frank:

Under head General Land Office, amend page 5 by adding to the amend-

ment, between lines 31 and 32, before the figures \$3,000, the following: "For the two years ending February 28, 1891."

By Senator Frank:

Under head of General Land Office amend page 5, line 36, by adding after the word "interest" the following: "For the two years ending February 28, 1891," and strike out in the two lines the figures "\$25,000, \$25,000" and insert in lieu thereof "\$50,000."

By Senator Lane:

Amend line 2, State Department, by striking out \$1650, \$1650," in each column, and insert "\$1800, \$1800" in lieu thereof.

By Senator Lane:

"Amend line 3, Department of Insurance, Statistics, etc., by striking out sixteen hundred, sixteen hundred, and insert eighteen hundred, eighteen hundred."

By Senator Allen:

"Reformatory, line 15, instead of one hundred and fifty dollars, two hundred and fifty dollars, write one hundred dollars, one hundred and fifty dollars."

Senator Jarvis moved the previous question on the bill and amendments. Seconded.

And the main question was ordered. Senator Armistead's amendment was lost by the following vote:

YEAS—11

Armistead,	Lane,
Burges,	McDonald,
Cranford,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw.
Kimbrough,	

NAYS—12.

Abercrombie,	Frank,
Allen,	Ingram,
Claiborne,	Jarvis,
Davis,	Johnson,
Field,	Seale,
Finley,	Woodward.

ABSENT—3.

Burney,	Simkins.
Pope,	

Senator Frank's amendments were adopted.

Senator Lane's first amendment was adopted by the following vote:

YEAS—13.

Abercrombie,	Lane,
Armistead,	McDonald,
Cranford,	Townsend,
Field,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Johnson,	

NAYS—8.

Allen,	Frank,
Claiborne,	Jarvis,
Davis,	Kimbrough,
Finley,	Seale.

ABSENT—5.

Burges,	Pope,
Burney,	Simkins.
Glasscock,	

Senator Lane's amendment was adopted by the following vote:

YEAS—12.

Armistead,	Ingram,
Burges,	Kimbrough,
Cranford,	Lane,
Field,	McDonald,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—11.

Abercrombie,	Jarvis,
Allen,	Johnson,
Claiborne,	Seale,
Davis,	Townsend,
Finley,	Tyler.
Frank,	

ABSENT—3.

Burney,	Simkins.
Pope,	

Senator Allen's amendment was lost.

Senator Townsend moved to reconsider the vote by which the main question was ordered.

Senator Frank made a point of order that the motion was out of order, since the Senate had been acting under the previous question.

The point of order was sustained.

By leave,

Senator Field sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Mining, Irriga-

tion and Geology, to whom was referred

Substitute House bill No. 48, entitled "An act to promote the development of the mining resources of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

FIELD,
Chairman.

Bill read first time.

Senator Townsend moved to reconsider the vote by which the Senate adopted on yesterday his amendment as shown on page 500 of the Journal.

Adopted.

Senator Townsend then withdrew his amendment.

Senator Armistead moved to reconsider the vote by which the Senate rejected on yesterday Senator Abercrombie's amendment providing for a stenographic clerk in the Department of Education.

Adopted.

The amendment was then adopted.

Senator Townsend moved to strike "stenographic clerk" out of Senator Abercrombie's first amendment, adopted yesterday.

Adopted.

Senator Claiborne's substitute for the bill was lost by the following vote:

YEAS—2.

Claiborne,	Johnson.
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NAYS—20.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Jarvis,
Burges,	Kimbrough,
Cranford,	Lane,
Davis,	Seale,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

ABSENT—4.

Burney,	Pope,
McDonald,	Simkins.

On motion of Senator Townsend,
The Senate adjourned till 10 o'clock
a. m. to-morrow.